IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1709 of 2007(C)

PETITIONER:

KUMARAPURAM SERVICE CO-OPERATIVE BANK LTD.NO.2147, THAMALLACKAL, ALAPPLUZHA DISTRICT, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.K.HARILAL
SRI.R.GOPAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY SECRETARY, CO-OPERATIVE DEPARTMENT, THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

3. THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES, ALAPPUZHA.

4. THE ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES, KARTHIKAPPALLY.

5. KUMARAPURAM SERVICE CO-OPERATIVE BANK LTD.NO.1449, ERICKAVU, REP. BY ITS SECRETARY.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 1709 of 2007 (C)

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Dated this the 16th day of January, 2007

J U D G M E N T

The writ petitioner was before this Court through W.P.(C) No.31267/2006, praying that the area of operation of the fifth respondent may overlap, if allowed to function, with that of the area of the writ petitioner bank. As per the judgment dated 24/11/2006, this Court disposed of the said writ petition directing the writ petitioner to approach the Government under Section 83(2) of the Kerala Co-operative Societies Act, 1969, in short 'the Act', within ten days from that date, and the Government was further directed to consider and dispose of the same, as per the law, within two months from the date of filing of the appeal, after hearing all concerned. The grievance of the writ petitioner is that, without disposing of the appeal, a stay petition which was filed on the appeal was dismissed. The counsel therefore apprehends that, in effect, with the dismissal of the stay petition, the Government is giving an opportunity to the fifth respondent to start operation of a new branch, of the

fifth respondent, which would overlap the area of the writ petitioner bank, as well.

2. The learned Senior Government Pleader submits that the Government need to dispose of the appeal only within two months from the date of filing of the appeal and the appeal has been preferred by the writ petitioner only on 11/12/2006. As the stay petition filed along with the appeal has already been dismissed, I cannot agree with the submission of the Senior Government Pleader that the apprehension of the writ petitioner that the fifth respondent may start a new branch within the area of operation of the writ petitioner bank is out of place.

3. In view of the above facts which are placed before me, the direction of the Joint Registrar of the Co-operative Societies, Alappuzha, permitting the fifth respondent to open a morning and evening branch, as per his order dated 11/08/2006, shall stand stayed till the disposal of the appeal filed by the writ petitioner on 11/12/2006 and pending before it.

This writ petition is closed as above.

(J.M.JAMES)
Judge

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